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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/684,662      | 10/10/00    | BOAKES               | J 367.39057X00      |

020457 MMC2/1011  
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EXAMINER

LE, H  
ART UNIT PAPER NUMBER

2821  
DATE MAILED:

10/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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|                              |                                      |                                     |
|------------------------------|--------------------------------------|-------------------------------------|
| <b>Office Action Summary</b> | Application No.<br><b>09/684,662</b> | Applicant(s)<br><b>BOAKES et al</b> |
|                              | Examiner<br><b>HOANGANH LE</b>       | Art Unit<br><b>2821</b>             |



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1)  Responsive to communication(s) filed on Oct 10, 2000.

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

4)  Claim(s) 1-24 and 27-52 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-24 and 27-52 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152) \_\_\_\_\_

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4      20)  Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The preliminary amendment filed October 10, 2000 is acknowledged.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-24 and 27-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Casarez et al (the US Patent No. 5,913,174, cited by Applicant) or Shoemaker (the US Patent No. 5,363,114).

The Casarez et al reference teaches in figure 12 an antenna comprising: a

conducttive element defining a planar antenna and a flexible member arranged to carry the conductive element. The conductive element is embedded in the flexible member 3. The flexible member is generally flat and planar. The conductive element is disposed on a central bend axis of the flexible member. The conductive element is disposed on a substrate. The flexible member is biased towards a generally planar equilibrium. The assembly further comprises a relatively rigid base portion for connecting the assembly to the telecommunication apparatus. The conductive element is a pre-formed wire. The conductive member is a stamped out pattern from a planar sheet. The conductive element is stainless or spring steel. The conductive element is disposed on the substrate by a process of etching. The conductive element is disposed on the substrate by a process of printing using conductive ink. The substrate is polyester. The substrate is polyamide. The flexible member is a thermo plastic elastomer. The conductive element is within the flexible member.

The apparatus discussed above would perform the claimed method.

The shoemaker reference teaches in figure 2 an antenna comprising: a conducttive element 1-11defining a planar antenna and a flexible member C arranged to carry the conductive element. The conductive element 1-11 is embedded in the flexible member (figure 14). The flexible member is generally flat and planar (figures 1-2). The conductive element is disposed on a central bend axis of the flexible member. The conductive

element is disposed on a substrate (figure 3). The flexible member is biased towards a generally planar equilibrium (figure 2). The assembly further comprises a relatively rigid base portion 41 for connecting the assembly to the telecommunication apparatus. The conductive element is a pre-formed wire (figures 8-9). The conductive member is a stamped out pattern from a planar sheet. The conductive element is stainless or spring steel. The conductive element is disposed on the substrate by a process of etching (col. 4, lines 1-10). The conductive element is disposed on the substrate by a process of printing using conductive ink (col. 4, lines 1-10). The substrate is polyester. The substrate is polyamide. The flexible member is a thermo plastic elastomer. The conductive element is within the flexible member (col.2, lines 40-60).

The apparatus discussed above would perform the claimed method.

*Correspondence*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Hoanganh Le whose telephone number is (703) 308-4921.
7. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.
8. Papers related to Technology Center 2800 applications only may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such

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Office Action: 1

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papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

*Hoanganh Le*  
Primary Examiner  
Art Unit 2821  
October 9, 2001

*Hoanganh Le*  
Primary Examiner